

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE MATTER OF:)

COMPLAINT C2012-082)

State Ethics Commission,)

Complainant;)

vs.)

Richard Jackson,)

Respondent.)

) BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

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STATE ETHICS
COMMISSION

RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on February 23, 2012. On May 16, 2012, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Richard Jackson, with a violation of Section 8-13-1110 and probable cause was found.

Present at the hearing on July 18, 2012 were Commission Members Phillip Florence, Jr., Chair, Edward E. Duryea, and George Carlton Manley. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Richard Jackson, a public member of the South Carolina Department of Workforce Review Committee, did in Richland County, fail to timely file a Statement of Economic Interests form upon his appointment in March 2011 in violation of Section 8-13-1110.

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact

1. The Respondent, Richard Jackson, is a member of the Department of Workforce Review Committee and he is required to file an annual Statement of Economic Interests form (SEI) prior to April 15th of each year.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that the Commission was forwarded a copy of Respondent's letter of appointment to the Department of Workforce Review Committee dated March 10, 2011. The Commission sent Respondent a letter dated March 22, 2011 acknowledging his appointment to a state board or commission and informed him that he must file an SEI immediately. Respondent was penalized in a November 7, 2011 letter for failure to file his 2011 SEI. That letter was re-sent certified on December 15, 2011. It was returned "return to sender – no such number". On January 4, 2012 it was re-mailed first class to an address found on-line since the Governor's appointment letter had the wrong address. On March 27, 2012 Respondent complied by filing his 2011 SEI. The outstanding late-filing penalty of \$5,000.00 was not paid at that time.

3. Respondent testified that he was appointed in early 2011, but did not have a meeting for one year. He never received any information from the Commission because of the incorrect address. He took offense from the tone of the letter when he did finally receive the correspondence as he never received the Governor's appointment letter. At the time he received the Commission's letter he had still not met and did not believe he had taken any official function that would require a filing. Respondent testified that he

was frustrated with the system, but honestly thought he had filed when he provided all the information to the Governor's office when he sought the appointment.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Richard Jackson, was a public member of a state board or commission as defined by Section 8-13-100(26) and (31).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Sections 8-13-1110 and 8-13-1140 provide that certain public members of state boards or commissions shall file a Statement of Economic Interests at the time of assuming the duties of the position and annually thereafter prior to April 15.
4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

- (1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;
- (2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Richard Jackson is in violation of Section 8-13-1110; and therefore, Respondent Richard Jackson is hereby assessed a reduced late-filing penalty of

\$300.00 to be paid within 60 days of receipt of the order. If the reduced late-filing penalty of \$300.00 is not paid within 60 days of receipt of the order, then the late-filing penalty will revert to the full amount of \$5,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,000.00 is, and shall be entered against Respondent, if he fails to pay within the time permitted.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$5,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Richard Jackson has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 15th DAY OF Aug., 2012.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA